

## *Planning Commission Minutes*

The City of Sturgis Planning Commission held a regular meeting on Tuesday, November 1, 2016 at 5:30 p.m. in the front conference room at Sturgis City Hall, 1040 Harley-Davidson Way, Sturgis SD.

Present: Commissioners Hughes, Gerberding, Olson, Treloar, Norstegaard, Mack and Monahan.

Staff: Planning Coordinator, City Manager and Code Enforcement Officer

Council Liaison: Ron Waterland

5:30 Call to order by Chairman Judy Hughes

The Commission approved the Minutes from the October 4, 2016 meeting.

### **1. Plat – Jim Allison**

Plat of Lot 1, Block 4 of Vernon Heights Estates II Subdivision located within the City Limits of Sturgis. This is a 0.61 acre lot located at the NE corner of Camaro Drive and Malibu Loop. Zoning is Low-Density Residential. A motion was made by Monahan to approve, 2<sup>nd</sup> by Mack. All Commissioners voting to approve the motion.

### **2. Use on Review for In-Home Business – William Kyle Coshow**

Request to operate a light machining and gun smith business from residence located at 1218 Cedar Drive. Brooke Coshow was present to answer questions. This business entails doing custom machining using a CNC machine and lathe in the garage. The intent is to grow the business enough to move into a commercial or industrial area within one to three years. This is a wholesale business and no customers would be visiting the premise. The Code Enforcement Officer conducted a site visit and reported the garage is very well insulated and the machines create very little noise. Following discussion, a motion was made by Mack to approve, 2<sup>nd</sup> by Norstegaard. Commission vote = 6 Yes, 1 Opposed (Olson). Motion carried to recommend approval to the City Council.

### **3. Tom Price – Annual Review**

In-Home firearms business at 2003 Hurley. Original approval date: September 21, 2015. The applicant was present and explained there has been a delay in getting his yearly sales tax report from the Department of Revenue. He has sold approximately 21 firearms during the past year. There have been no complaints filed with the Code Enforcement office. This was a review only and the business will be allowed to continue as long as the sales tax report is turned in to the City within the next month.

#### **4. Title 18 Review**

Review requirements for In-Home Business and discuss possible guidelines and standards. The City Manager provided a handout listing possible requirements that would trigger the need for a Use on Review along with possible conditions that could be imposed. Following lengthy discussions and taking input from the public, the Commission decided to make the following recommendations to the City Council regarding in-home business.

At home businesses would be required to proceed with the Use on Review process if any of the following attributes applied:

1. The business would have one or more non-resident employees
2. The business would have one or more customers who would visit the at home business
3. The business would have business inventory, storage, etc. visible from the public right of way
4. The business would create any increase in the amount of traffic, noise or odor typical of a residential neighborhood
5. The business would create a perceived or actual decrease in the expected safety in a neighborhood
6. The business would require any type of land or premises approval from the state or federal government (this does not imply a professionally licensed individual)
7. There has been a verified complaint to the Planning and Permitting Office regarding an at home business regarding an impact of similar nature though not specifically listed to those listed above.
8. In no circumstance would a residential camping or home leasing qualify as an at home business requiring a use on review.

Should a business be required to complete a Use on Review process all the following conditions will be applied:

1. Copies of all South Dakota State Sales Tax returns shall be submitted to the City Finance Office (these records shall be retained and considered confidential)
2. No signage on the property (with the exception of vehicles) shall be visible from a public right of way
3. The actual average daily vehicle count of the subject property shall not exceed 1.25 times the AADT (Annual Average Daily Traffic) for the type of subject property. In circumstances where the subject business is of significant importance to the community, the limit maybe extended but shall in no circumstance exceed 3.0 times the AADT for the type of subject property.
4. The subject property shall not create noise beyond the times of 7:00 am through 9:00 pm. In addition, the types of sounds nor the volumes of those sounds created during these hours shall not exceed those typical in a residential neighborhood.
5. No odor beyond that typical of a residential neighborhood shall be permissible.

6. If the business causes an impact to the utility services beyond those typical of a residence, then all utility rates shall be charged as Commercial (two separate unit charges for all City utilities).
7. The County may assess portions of the property at commercial versus residential rates.
8. All Use on Reviews shall be applicable for one year. At the expiration of one year, they shall be completed again.

During the initial use on review, the applicant shall be required to:

1. Pay all costs associated with the City sending a certified letter to all landowners within 200' of the subject property.
2. Have place on their property in a place clearly visible from the busiest public right of way a sign provided by the City stating that the property is under consideration of a use on review. Said sign shall be placed for not less than 21 days

Upon the completion of each 365-day period, following final approval by the City Council, the City shall list the property address and type of business in the monthly community newsletter. The listing shall indicate that the at home business is under its annual use on review. Should there be any complaint throughout the 365-day period or should negative comments arise after the notice in the Community Newsletter, the Planning and Permitting Department shall present the use on review to the Planning and Zoning Commission. Should the Commission approve another year, no further action is required until 365 days has passed. Should the Commission recommend disapproval, the Use on Review denial shall be submitted to the Common Council for final consideration.

Additionally, the Commission would like to see a change made to the initial notification process that is already in place. In addition to sending certified letters to all property owners with 200' of the property under consideration, the applicant would also be required to place a sign in the yard at the property being considered for a UOR for 21 days prior to the Planning & Zoning meeting. The sign would be provided by the City and would state that a Use on Review is in process. Once the UOR is approved and is due for an annual review, a notice will be posted in the monthly City Newsletter and on the official City Website stating the names and addresses of all UOR applications up for renewal.

## **5. Discussion Item: SDN Cell Towers**

This item was for discussion only and no action was required.

Discussion included information from a proposal by SDN to install three cell towers in various residential and highway service location in downtown Sturgis. The towers would be used for additional cell coverage during the annual Rally. Commissioners decided this would not be a good idea due to aesthetic and safety issues. It was noted that all sites would need to come under a variance.

No other matters came before the Planning & Zoning. Meeting adjourned at 7:45 pm.

*Minutes are not considered official until approved by the Planning Commission.*